

SERISIER'S ESTATE.

**An Act to authorize the Mortgage and Leasing of certain Lands and Hereditaments devised by the Will of Jean Emile Serisier deceased and for other purposes. [21st October, 1884.]**

Preamble.

**W**HIEREAS Jean Emile Serisier formerly of Dubbo but late of Sydney in the Colony of New South Wales general storekeeper deceased was at the time of his death hereinafter mentioned seized and possessed for an estate of inheritance in fee simple of the lands and hereditaments in the First Schedule to this Act mentioned and described free from incumbrances subject as to the last two parcels thereof to the payment to the Government of fifteen shillings per acre and of the lands and hereditaments in the Second Schedule to this Act mentioned and described subject to a mortgage from the said Jean Emile Serisier to the Commercial Banking Company of Sydney which said mortgage has since the death of the said Jean Emile Serisier been paid released and discharged and whereas the said Jean Emile Serisier duly made and published his last will and testament dated the fourth day of June in the year one thousand eight hundred and seventy-nine and thereby gave devised and bequeathed to his Trustees hereinafter named the whole of his real and personal estate upon trust to pay to his wife Margaret Bertaux then Margaret Serisier one-quarter of the rents and profits of his real and personal estate for her life-time should she remain his widow but in the event of his said wife contracting marriage within eighteen months of his decease then he directed his Trustees to pay to his said wife only one-sixth of the rents and profits of his said estate for her life free from the debts control or engagements of any husband she may intermarry and he directed his said Trustees to invest all his personal estate and also the benefits of his business and also the rents and profits of his real estate in either real Bank or Government securities and pay so much as they might think proper to his said wife (to be decided by majority of votes in writing) for the education and maintenance of his children until the youngest child should attain the age of twenty-one years and on the youngest of his said children attaining the age of twenty-one years then he directed the whole of his estate to be divided between his wife if living and the whole of his children or their heirs share and share alike the heirs of any of his said children to be entitled to their parents' share only And he thereby authorized and directed that his wife should have power and authority if she should think proper during her widowhood to sell dispose and convey any part or portion of any real and personal estate And that she and his said Trustees should have power to sign and convey the same to any purchaser and give receipts and discharges for the same And he appointed his said wife the said Margaret Bertaux then Margaret Serisier guardian of his said children and sole executrix of that his will and his said wife Narcisse Muller of Dubbo in the Colony aforesaid publican and James Holmes also of Dubbo bank manager Trustees of that his will And whereas the said Jean Emile Serisier died on the tenth day of February one thousand eight hundred and eighty without having in any way revoked or altered his said will and leaving him surviving the said Margaret Bertaux then Margaret Serisier his widow and five children namely Jean De Bouillion Emile Serisier Hippolyte Paulin Macquarie Serisier

*Serisier's Estate.*

Serisier Fritz Achille Serisier La Vigne Ernest Serisier and Daisy Marie Consolation Serisier And whereas the said James Holmes by a deed poll dated on or about the seventeenth day of April one thousand eight hundred and eighty disclaimed and renounced all the real and personal estate and effects whatsoever given devised or bequeathed by the said will of the said Jean Emile Serisier and also the office of Trustee of the said will and all trusts powers and authorities whatsoever by the said will expressed to be reposed in or given to the said Margaret Bertaux then Margaret Serisier Narcisse Muller and James Holmes and all rights and privileges belonging or annexed to the same or in anywise relating thereto And whereas the said will was duly proved in the Supreme Court of New South Wales in its Ecclesiastical Jurisdiction on the fourteenth day of September one thousand eight hundred and eighty by the said Margaret Bertaux then Margaret Serisier the sole executrix therein named And whereas the said Margaret Bertaux then Margaret Serisier on the fifteenth day of January one thousand eight hundred and eighty-three intermarried with and now is the wife of René Bertaux of Dubbo aforesaid general storekeeper And whereas the said will of the said Jean Emile Serisier deceased does not give to the Trustees or Trustee thereof or to any other person any power to mortgage or demise the lands and hereditaments thereby devised And whereas it is impossible without the assistance of Parliament to mortgage the said lands and hereditaments devised by the will of the said Jean Emile Serisier deceased or to demise the same And whereas in consequence of such impossibility part of the lands and hereditaments in the two Schedules to this Act mentioned and described are and remain unimproved and entirely unproductive of income And whereas it is expedient and would be for the benefit of all parties interested in the said lands and hereditaments in the said Schedules respectively mentioned and described that powers to mortgage and lease the same should be conferred on the Trustees or Trustee for the time being of the said will of the said Jean Emile Serisier deceased for the benefit of the persons interested under the said will and that the rents and profits arising from the lease of such of the said lands and hereditaments as shall from time to time be leased should be held in trust for and the moneys raised by mortgage of such of the said lands and hereditaments as shall from time to time be mortgaged should be applied towards the improvement of the property for the benefit of the persons respectively entitled under the said will to the lands and hereditaments so mortgaged Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. It shall be lawful for the said Trustees or Trustee from time to time for the purpose of raising any sum or sums of money which in their or his opinion it may be desirable to borrow for the purpose of erecting any buildings or repairing or rebuilding any existing buildings upon or otherwise improving any part or parts of the lands and hereditaments mentioned and described in the said several Schedules to this Act to execute any mortgage or mortgages for any term or terms of years not exceeding twenty-one years of such part or parts of the said lands and hereditaments with power of sale and all other usual powers provisions and covenants Provided that no person who shall advance money upon the security of any mortgage purporting to be made under the power hereby given shall be bound to enquire as to the advisability or propriety of the raising of such money or as to the application of such money when raised and advanced and the receipt of the said Trustees or Trustee for the moneys so advanced shall effectually discharge

Power to borrow  
money for building  
&c.

*Serisier's Estate.*

discharge the person advancing the same from any liability in respect of the misapplication or non-application thereof.

Power to grant leases.

2. It shall be lawful for the said Trustees or Trustee from time to time by deed or writing to demise and lease all or any part of the said lands and hereditaments to any person or persons for any term of years not exceeding twenty-one years to take effect in possession at the best yearly rent that can be reasonably obtained for the same without any fine premium or foregift And also from time to time by deed to demise and lease any part of the said lands and hereditaments to any person or persons who shall covenant to improve the same by repairing any building or buildings now standing or which shall hereafter be standing on any part of the land thereby leased or by erecting and building any house or houses building or buildings on such land or any part thereof or by otherwise expending in improvements such moneys as shall be deemed by the said Trustees or Trustee adequate to the interest to be parted with but so that every lease under this last-mentioned power shall be for a term not exceeding fifty years to take effect in possession or within one year from the date thereof and shall be at such rent as the said Trustees or Trustee shall having regard to the terms and conditions of such lease think reasonable and proper so however that nothing be taken by way of fine premium or foregift Provided that every indenture of lease made under the provisions of this section shall contain a covenant by the lessee to pay the rent thereby reserved and for insurance against fire of any building erected or to be erected on the land thereby demised and also a condition of re-entry on non-payment of rent within a time to be therein specified and so also that a counterpart of such lease be executed by the lessee Any lessee paying any rent reserved by any such lease to the said Trustees or Trustee shall not be bound to see to the application thereof and shall be free from any liability for the non-application or misapplication of the same or any part thereof.

Trusts of investments rents &c.

3. The said Trustees or Trustee shall stand possessed of the net rents arising from and payable under any lease made under the authority of this Act upon such trusts and with and subject to such powers provisions and declarations as shall as nearly correspond with the uses trusts provisions and declarations in the said will expressed and contained concerning the said lands and hereditaments or any part or parts thereof respectively or such of them as shall be subsisting or capable of taking effect as the different nature and quality of the premises and the rules of law and equity will permit Provided that it shall be lawful for the said Trustees or Trustee at any time or from time to time to apply the whole or any part of the rents and profits of any portion or portions of the said lands and hereditaments in the said Schedules to this Act mentioned and described in or towards payment of the principal and interest from time to time due or owing on the security of any mortgage or mortgages of any portion or portions of the said land and hereditaments in the said Schedules to this Act mentioned and described executed under the power herein contained.

Power to make roads &c.

4. It shall be lawful for the said Trustees or Trustee to make and alter and concur in the making and altering of any roads streets or ways on and over any part or parts of the said lands and hereditaments And also to erect make and carry out and concur in the erecting making and carrying out of any walls sewers drains water-courses or other works which may in the discretion of the said Trustees or Trustee conduce to the better laying out improving or selling of the said lands and hereditaments or the convenience and enjoyment of those persons who shall have purchased or shall purchase any part thereof The costs of any such works on the part of the said Trustees

or

*Serisier's Estate.*

or Trustee or their or his proportion of any costs for such works and any costs and expenses of and incidental to the bringing of the said lands and hereditaments or any part thereof under the provisions of the Real Property Act (which the said Trustees or Trustee are or is hereby authorized to incur) may be deducted and retained by them or him in the same way they or he are or is hereby authorized to deduct and retain the costs and expenses of and incidental to sales hereunder For any of the purposes of this section the said Trustees or Trustee may reserve and dedicate either absolutely or upon any conditions any part or parts of the said lands and hereditaments.

5. This Act may be cited as "Serisier's Estate Act of 1884." Short title.

## THE FIRST SCHEDULE.

All that parcel of land containing by admeasurement three acres and twelve perches in the town of Dubbo in the parish of Dubbo in the county of Lincoln in the Colony of New South Wales portion three and allotments five and six of the subdivision of portion two Commencing at the intersection of the south side of Bultje-street with the north-west corner of portion three and bounded on the west by the west boundary-line of portion three bearing south five chains to the north-west corner of portion four on the south by the north boundary-line of portion four bearing east five chains to the north-east corner of portion four on the east by the west boundary-lines of allotments nine eight and seven (being part of the subdivision of portion two) bearing north one hundred and eighty-four links to the north-west corner of allotment seven again on the south by the north boundary-line of allotment seven bearing east five chains to the west side of Macquarie-street again on the east by part of the west side of Macquarie-street bearing north one chain fifteen links to the south-east corner of allotment four on the north by the south boundary-line of allotment four bearing west five chains to the east boundary-line of portion three (also the south-west corner of allotment four) again on the east by the west boundary-lines of allotments four three two and one bearing north two chains to the south side of Bultje-street and again on the north by the south side of Bultje-street bearing west five chains to the point of commencement be the said several dimensions a little more or less and being portion of the land in Certificate of Title vol. DXLVI folio 68.

All that allotment or parcel of land in our said Colony containing by admeasurement two roods be the same more or less situated in the county of Lincoln parish of Dubbo and town of Dubbo being allotment number thirteen of section number nine Commencing on the western side of Darling-street at the south-eastern corner of allotment twelve and bounded thence on the east by that street southerly one chain and seven links on the south by the northern boundary-line of allotment fourteen westerly at right angles to Darling-street four chains and seventy links to a lane on the west by that lane northerly parallel with Darling-street one chain and seven links and on the north by the southern boundary-line of allotment twelve aforesaid easterly at right angles to Darling-street four chains and seventy links to the point of commencement being the allotment sold as lot DD under the advertisement dated the eighteenth day of October one thousand eight hundred and sixty-five and being the whole of the land comprised in Crown grant dated the twenty-ninth October one thousand eight hundred and sixty-six registered vol. XLII folio 63.

All that piece or parcel of land in our said Colony containing by admeasurement five acres three roods be the same more or less situated in the county of Lincoln and parish of Warrie portion one hundred and seventy-nine Commencing on the western side of a road at the south-eastern corner of portion one hundred and thirty-three of three hundred and twenty acres and bounded thence on the east by that road bearing south nine degrees forty minutes west five chains ninety-eight links on the south-west by a line bearing north seventy-two degrees forty-five minutes west nineteen chains eighty-six links and on the north by the southern boundary of portion one hundred and thirty-three aforesaid bearing east nineteen chains ninety-seven links to the point of commencement and being the land comprised in Crown grant of ninth June one thousand eight hundred and seventy-seven vol. CCXXXIV folio 7.

All that piece or parcel of land situate in the parish of Warrie county of Lincoln containing by admeasurement two hundred and nineteen acres more or less taken up as a conditional purchase under the Crown Lands Alienation Acts by Jean Emile Serisier on thirtieth October one thousand eight hundred and seventy-three and being C.P. 73/11314 and on which there is due to the Government a balance of fifteen shillings per acre.

All that piece or parcel of land situate in the parish of Warrie county of Lincoln containing by admeasurement three hundred and twenty acres more or less taken up as a conditional purchase under the Crown Lands Alienation Acts by Jean Emile Serisier on seventh November one thousand eight hundred and sixty-seven and being C.P. 67/2701 and on which there is due to the Government a balance of fifteen shillings per acre.

*Serisier's Estate.*

## THE SECOND SCHEDULE.

All that allotment or parcel of land in our said Territory containing by admeasurement two roods be the same more or less situated in the village of Dubbo parish of Dubbo county of Lincoln being allotment number one of section number six bounded on the west by two chains of the east side of Macquarie-street bearing north on the north by an east line of two chains fifty links dividing it from allotment number two on the east by a line dividing it from allotment number twenty bearing south two chains to Bultje-street and on the south by two chains fifty links of the north side of Bultje-street bearing west to Macquarie-street Being the allotment sold as lot twenty-two in pursuance of the proclamation of twenty-third December one thousand eight hundred and fifty-three.

All that parcel of land containing by admeasurement one acre one rood and thirteen perches town of Dubbo parish of Dubbo county of Lincoln Colony of New South Wales part of allotments thirteen fourteen fifteen and sixteen section six Commencing at a point on the west side of Brisbane-street two hundred and thirty-one feet north of the intersection thereof with the north side of Bultje-street and bounded on the east by part of the west side of Brisbane-street bearing north two hundred and thirty-one feet to the south-east corner of allotment twelve—Government subdivision—on the north by the south boundary-line of that allotment bearing west three hundred and thirty feet to the south-west corner of the said allotment on the west by the east boundary-line of allotment six and part of the east boundary-line of allotment five—Government subdivision—bearing south one hundred and thirty-one feet to the north-west corner of allotment thirteen—Serisier's subdivision—on the south by the north boundary-lines of allotments thirteen and fourteen bearing east ninety-two feet again on the west by the east boundary-line of allotment fourteen bearing south one hundred feet to the south-east corner thereof again on the south by the south boundary-lines of allotments fifteen and sixteen bearing east ninety-two feet to the south-west corner of allotment seventeen again on the east by the west boundary-lines of allotments seventeen and twenty-one bearing north one hundred and ninety-eight feet to the north-west corner of allotment twenty-one again on the south by the north boundary-line of allotment twenty-one bearing east forty-six feet to the north-west corner of allotment twenty-six again on the west by the east boundary-lines of allotments twenty-one and seventeen bearing south one hundred and ninety-eight feet to the south-east corner of allotment seventeen and again on the south by the south boundary-line of allotment eighteen bearing east one hundred feet to the point of commencement be the said several dimensions a little more or less.

All that parcel of land containing by admeasurement one acre thirty perches and eight-tenths of a perch in the town of Dubbo in the parish of Dubbo in the county of Lincoln in the Colony of New South Wales Commencing at the intersection of the west side of Brisbane-street with north side of Bultje-street and bounded on the east by part of the west side of Brisbane-street bearing north two hundred and thirty-one feet to the south-east corner of allotment eighteen—Serisier's subdivision—on the north by the south boundary-lines of allotments eighteen seventeen sixteen fifteen fourteen and thirteen bearing west three hundred and thirty feet to the east boundary-line of allotment three—Government subdivision—on the west by part of the east boundary-line of the said allotment and allotment two and twenty bearing south two hundred and thirty-one feet to the north side of Bultje-street on the south by part of the north side of Bultje-street bearing east thirty-three feet to the south-west corner of allotment one—Serisier's subdivision—on the west by the west boundary-lines of allotments one and twelve bearing north one hundred and ninety-one feet to the north-east corner of allotment twelve again on the south by the north boundary-line of allotment twelve bearing east forty-nine feet six inches to the north-east corner thereof again on the west by the east boundary-line of allotment twelve bearing south ninety-one feet to the south-east corner thereof again on the south by the north boundary-lines of allotments two three and four bearing east one hundred and forty-eight feet six inches to the north-east corner of allotment four again on the west by the east boundary-line of allotment four bearing south one hundred feet and again on the south by part of the north side of Bultje-street bearing east ninety-nine feet to the point of commencement be the said several dimensions a little more or less.

All that parcel of land containing by admeasurement three roods and eight perches in the town of Dubbo parish of Dubbo in the county of Lincoln in the Colony of New South Wales Commencing at a point on the south side of McLeay-street one hundred and thirty-two feet west of the intersection thereof with the west side of Bourke-street and bounded on the north by part of the south side of McLeay-street bearing west sixty-six feet to the north-east corner of allotment seven—Serisier's subdivision—on the west by the east boundary-line of that allotment bearing south one hundred and thirty-two feet to the south-east corner of that allotment again on the north by the south boundary-lines of allotments seven and eight bearing west one hundred and thirty-two feet to the south-west corner of allotment eight again on the west by the west boundary-lines of allotments nine ten and eleven bearing south ninety-nine feet to the north-west corner of allotment twelve on the south by the north boundary-line of allotment twelve bearing easterly one hundred and thirty-two feet to the north-east corner thereof again on the west by the east boundary-line of allotment  
twelve

*Serisier's Estate.*

twelve bearing south thirty-three feet to the south-east corner thereof again on the south by a line bearing east sixty-six feet to the south-west corner of allotment six and again on the east by the west boundary-lines of allotments six five four three and two bearing north one hundred and ninety-eight feet to the point of commencement be the said several dimensions a little more or less.

All that parcel of land containing by admeasurement one acre three roods and eight perches being part of allotment four of section fifteen being allotments two six eight nine ten eleven twelve thirteen fifteen and sixteen of Serisier's subdivision of said allotment four of section fifteen town of Dubbo parish of Dubbo county of Lincoln Colony of New South Wales Commencing at a point on the north side of McLeay-street sixty-six feet west of the intersection thereof with the west side of Bourke-street and bounded on the east by the west boundary-line of allotment seven—Serisier's subdivision—bearing north one hundred and thirty-two feet to the north-west corner of allotment seven on the south by the north boundary-line of allotment seven bearing east sixty-six feet to the west side of Bourke-street again on the east by part of the west side of Bourke-street bearing north thirty-three feet to the south-east corner of allotment five on the north by the south boundary-line of that allotment bearing west one hundred and thirty-two feet to the south-west corner of allotment five again on the east by the west boundary-line of allotments five four and three bearing north ninety-nine feet to the north-west corner of allotment three again on the south by the north boundary-line of allotment three bearing east one hundred and thirty-two feet to the west side of Bourke-street again on the east by part of the west side of Bourke-street bearing north thirty-three feet to the south-east corner of allotment one again on the north by the south boundary-line of allotment one bearing west one hundred and thirty-two feet to the south-west corner of allotment one again on the west by the west boundary-line of allotment one bearing north thirty-three feet to the north-west corner of allotment one again on the north by part of the south boundary-line of portion three section fifteen (of the Government survey) bearing west one hundred and ninety-eight feet to the north-west corner of allotment nine—Serisier's subdivision—again on the west by the west boundary-lines of allotments nine ten eleven twelve and thirteen bearing south one hundred and sixty-five feet to the north-west corner of allotment fourteen again on the south by the north boundary-line of allotment fourteen bearing east one hundred and thirty-two feet to the north-east corner of allotment fourteen again on the east by the east boundary-line of allotment fourteen bearing south thirty-three feet to the south-east corner of allotment fourteen again on the south by the south boundary-line of allotment fourteen bearing west one hundred and thirty-two feet to the south-west corner of allotment fourteen again on the west by the west boundary-line of allotment sixteen bearing south one hundred and thirty-two feet to the north side of McLeay-street and again on the south by part of the north side of McLeay-street bearing east two hundred and sixty-four feet to the point of commencement be the said several dimensions a little more or less.

All that parcel of land containing by admeasurement one acre three roods eight perches and four-tenths of a perch being part of suburban portion five in the town of Dubbo parish of Dubbo county of Lincoln Colony of New South Wales Commencing at a point on the west side of Macquarie-street ninety-two feet north of the intersection thereof with the north side of Bultje-street and bounded on the east by part of the west side of Macquarie-street bearing north two hundred and thirty-eight feet to the north-east corner of allotment five on the north by the south boundary-line of allotment six bearing west three hundred and thirty feet to the south-west corner of allotment six on the west by part of the east boundary-line of allotment eight bearing south two hundred and thirty-eight feet and on the south by a line dividing it from other part of allotment five bearing east three hundred and thirty feet to the point of commencement be the said several dimensions a little more or less.

All that allotment or parcel of land in our said territory containing by admeasurement two roods be the same more or less situated in the town of Wellington parish of Wellington county of Wellington being allotment number four of section number one Commencing at the north-west corner of allotment number three and bounded on the north by a line of one chain along Gobalyon-terrace on the west by a line of five chains at right angles to Gobalyon-terrace on the south by a line of one chain parallel to Gobalyon-terrace and on the east by a line of five chains at right angles to Gobalyon-terrace to the commencing corner aforesaid Being the allotment sold as lot one in pursuance of the proclamation of twenty-first February one thousand eight hundred and fifty-four.